Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted	*Received By (Office Use)*	*Added to Map (Office Use)*

Property Owner Contact Information

Name of Property Owner(s)		Mailing Address of Property Owner(s)
Summit Mountain Holding Group, L.L.C., SMHG Landco, LLC, SMHG Phase 1 LLC		Paul Strange 3923 N. Wolf Creek Drive Eden, Utah 84310
Phone 801-987-0570	Fax	
Email Address paul@summit.co		Preferred Method of Written Correspondence ☒ Email ☐ Fax ☐ Mail

Ordinance Proposal

Ordinance to be Amended
101-1-7, 104-29-2, 104-29-7, 104-29-8, 104-29-10[NEW], 104-29-11[NEW], 108-1-2, 108-8-5, 108-19-6 [NEW], 110-2-5, 110-2-8

Describing the amendment and/or proposed changes to the ordinance:

Sec. 101-1-7. - Definitions:

Make amendment to definition of "lockout sleeping room" and make changes to types of dwellings allowed to have "lockout sleeping rooms" in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Sec. 104-29-2. - Development standards

1. Amend to remove Ogden Valley Destination and Recreation Resort Zone buffers where the Developer owns the land adjacent to the zone boundary or where the adjacent land owner approves.

2. Adjust lot sizes, lot widths, setbacks and building heights.

See attached redline.

Sec. 104-29-7. - Seasonal workforce housing.

Amend to allow workforce housing units to be on property contiguous to the resort.

See attached redline.

Sec. 104-29-8. - Land uses.

Amend to permit additional uses.

See attached redline.

Sec. 104-29-10. -- Second Kitchen.

Create section to clarify that second kitchens do not require a second kitchen covenant in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Ordinance Proposal (continued...)

Sec. 104-29-11. – Miscellaneous Improvements.

Create section to allow for miscellaneous improvements outside of the building envelope.

See attached redline.

Sec. 108-1-2. - Application and review:

Make change to allow additional discretion for approval by the planning director in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Sec. 108-8-5. - Adjustments for unusual and unique conditions.

Make change to allow the Planning Director to approve a parking plan in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the sign plan is consistent with the master plan.

See attached redline.

Sec. 108-19-6. – Destination and Recreation Resort Zone.

Create New Section 108-19-6 that permits Accessory Apartments in the Ogden Valley Destination and Recreation Resort Zone and provide additional discretion for the developer.

See attached redline

Sec. 110-2-5. - Allowable signs by zoning district.

Make change to allow the Planning Director to approve a sign plan above 6,200 feet in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the sign plan is consistent with the master plan.

See attached redline.

Sec. 110-2-8. - Prohibited signs.

Make change to allow commercial signs on adjacent property where access to a parcel that has a business is via the adjacent parcel.

Applicant Affidavit

I (We), Paul Strange, depose and say that I (we) am (are) the interested member)s) of this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Signature)

(Signature)

Subscribed and sworn to me this _____day of _____, 20 _____,

(Notary)

Sec. 101-1-7. - Definitions.

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

Abandonment. The term "abandonment" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

Abutting. The term "abutting" means having a common border with, or being separated from such a common border by a right-of-way.

Accessory dwelling unit (ADU). The term "accessory dwelling unit (ADU)" means an accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The ADU is located in designated areas when constructed on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, an ADU is not, by any means, sold/conveyed separately from the main house. The right to construct an ADU does not constitute a transferable development right. See also *Carriage house*.

Acreage, adjusted gross. The term "acreage, adjusted gross" means a total of all land area that lies within a project boundary and is classified as "developable" by this or any other county, state or federal law, ordinance or regulation.

Acreage, agri-tourism activity center. The term "agri-tourism activity center acreage" means the land area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism uses/activities. Activity center area consists of that impacted ground lying immediately adjacent to, in between, and within a reasonable distance around each use/activity. Distances greater than 300 feet in between uses/activities and their impacted grounds, represent a separation of activity centers.

Acreage, gross. The term "acreage, gross" means a total of all (nondevelopable and developable) land area that lies within a project boundary.

Acreage, net developable. The term "acreage, net developable" means a total of all land area that lies within a project boundary and has not been excluded from use in density calculations or deemed "undevelopable" by this or any other county, state, or federal law, ordinance or regulation. The area within existing and proposed public and private road rights-of-way shall not be counted towards "net developable acreage."

Acreage, productive agri-tourism. The term "productive agri-tourism acreage" means agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.).

Agricultural arts center. The term "agricultural arts center" means a facility designed for the purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of concepts related to art, art history, and art theory. It, in a conducive agricultural setting, acts as a venue for the community to experience, appreciate, and consume art in a variety of forms, including, but not limited to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center does not provide accommodation for nightly farm-stays; however, it may serve meals when served to event participants and/or guests.

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in order to qualify for the agricultural building exemption.

Agriculture. The term "agriculture" means use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

scrap material, debris, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

Kennel. The term "kennel" means the land or buildings used in the keeping of four or more dogs, at least four months old.

Land use authority. The term "land use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Landscape plan. The term "landscape plan" means:

(1) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;

(2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;

(3) Number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;

(4) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

Livestock feed yard. The term "livestock feed yard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

Located behind the dwelling. The term "located behind the dwelling" means the setbacks are measured from the farthest rear location of the dwelling and is parallel to the front lot line.

Lockout sleeping room. The term "lockout sleeping room" means a sleeping room in a condominium dwelling unit or condominium rental apartment with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking interior access. ~~A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.~~ In the Ogden Valley Destination and Recreation Resort Zone, the term "lockout sleeping room" means an attached or detached sleeping room (or multiple rooms) on the same lot with or in Single, Two, Three, Four, Multi-Family dwellings, recreation lodges, condominiums, condominium rental apartments (Condo-Tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, bed and breakfast dwellings/B&B inns/B&B hotels, accessory apartments, workforce housing/dormitories/residence hall, hostel, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.

Lodginghouse/boardinghouse. The term "lodginghouse/boardinghouse" means a building where lodging only is provided for compensation in five or more guest rooms, but not exceeding 15 persons.

Land use authority means a person, board, commission, agency, or other body designated by the county commission, through this title, to act upon subdivision applications.

Lot means a parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full- or part-time; together with such yards, open spaces, parking spaces and other areas required by this title and the Land Use Code. Such parcel shall also have frontage on a street or on a right-of-way approved by the board of adjustment. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

Sec. 104-29-1. - Purpose and intent.

The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts ~~that lie~~ within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land.

(Ord. of 1956, § 44-1)

Sec. 104-29-2. - Development standards.

(a) *General design and layout.* A destination and recreation resort shall have a general design that concentrates a mixture of recreational, commercial and residential uses within and immediately adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas outside of the village core may include recreational and resort supporting uses/facilities and intermittently dispersed/clustered employee, single-family and multifamily dwellings.

(b) *Minimum area.* The minimum area requirement for a destination and recreation resort shall be 1,000 contiguous acres located within the Ogden Valley. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan including lands under contract or agreement with a local, state or federal agency. Lands under such contract or agreement shall not count towards the minimum area requirement.

(c) *Maximum permitted units.* Current zoning is not considered when determining the maximum number of dwelling units allowed within a destination and recreation resort zone. The maximum number of units allowed within the zone (resort) shall be dependent upon:

(1) An applicant's willingness to acquire and/or transfer development rights to the resort;

(2) An applicant's desire to accrue additional discretionary units in the form of transfer incentive matching units (TIMUs) and/or density bonus units (DBUs); and

(3) An applicant's ability to demonstrate a substantial public benefit and exhibit an exceptional vision and development plan superior to that allowed by current or conventional zoning.

a. The preservation of open space and the maintenance of the Ogden Valley's rural character and its natural systems are very important goals, therefore, it shall be required that an applicant make an initial transfer of development rights, to the resort, from elsewhere within the valley. This initial transfer will establish a base number of units, referred to as transferred base units (TBUs), that may be used in a request to receive additional transfer incentive matching units (TIMUs) and/or density bonus units (DBUs). These units, requested in addition to the TBUs, are an alternative source of development rights and are considered to be performance based units that may be awarded through a resort's voluntary participation in the transfer incentive and bonus unit options listed below. These options are intended to provide flexibility and the voluntary means of increasing resort development rights through thoughtful and effective mitigation of resort development impacts and supporting Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan. To be eligible to receive TIMUs and/or DBUs, the units transferred to the resort shall be from an elevation of 6,200 feet and below. Units transferred from an elevation above of 6,200 feet are permitted; however, those units shall

not be eligible to receive TIMUs and/or DBUs. Refer to sections 104-29-3 through 104-29-5 for transferable development right eligibility and procedures for calculating and transferring units to a destination and recreation resort zone.

b. In the event that a previously approved master planned resort makes application to become (or makes application to amend) a destination and recreation resort zone, the resort may retain the remaining dwelling unit rights associated with a previously approved and executed zoning development agreement given that the resort can meet all other requirements of this chapter and demonstrate a substantial public benefit while exhibiting an exceptional vision and development plan superior to that allowed by current or conventional zoning. If a previously approved master planned resort chooses to increase densities beyond what remains as part of a previously approved and executed zoning development agreement, the resort shall be obligated to acquire and incorporate additional contiguous acreage into its boundary and/or acquire additional density in the form of transferable development rights, transfer incentive matching units and/or density bonus units.

1. Density related to additional acreage brought into the resort shall be calculated in conformance with the standards found in section 104-29-2, with the exception of those in section 104-29-4(a)(6) and (a)(7).

2. Density related to additional acreage, brought into the resort, which is the subject of a previously approved master plan, zoning development agreement and/or other agreement with the county relating to (or calculating) density, shall be calculated consistent with terms and conditions set forth in the previously approved master plan or agreement. Other (density and non-density) terms and conditions may, at the discretion of the Ogden Valley planning commission and the county commission, be altered, modified or otherwise amended and included in any rezone approval in order to promote the health, safety and welfare of the residents of the county.

3. Density related to transferable development rights shall be calculated in conformance with the standards found in sections 104-29-3 through 104-29-6

(d) *Transfer incentive matching units.* Each transferred base unit (TBU), that qualifies to receive transfer incentive matching units, shall only be applied to one of the following six categories.

(1) For every unit transferred to a resort from a parcel within the Shoreline (S-1) Zone and/or other parcels located in between Pineview Reservoir and the main roadway (Highways 158, 166, 39, and 2200 North Street) surrounding the Reservoir, the county may match that number at a rate ranging from 0.0—2.0 units to each transferred unit, depending upon the percentage of units transferred as shown in the table below. To be eligible to receive the matching units associated with these parcels, the transferring parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley general plan recreation element and shall be subject to the following.

(2) For every unit transferred to a resort from a CVR-1 Zone located adjacent to the shoreline of Pineview Reservoir, the county may match that number at a rate of three units to each transferred unit. To be eligible to receive the matching units associated with these parcels the following two conditions must be met:

a. All units, except one unit for every five acres within the parcel, shall be transferred.

b. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley general plan recreation element.

(3) For every unit transferred to a resort from an area within the Important Wildlife Area, as shown on the adopted Ogden Valley Sensitive Lands Map, the county may match that number at a rate of 2.0 units to each transferred unit.

(4) For every unit transferred to a resort from an area within a Ridge Line Area that skylines as viewed from any scenic corridor at a distance of less than 2.5 miles, (as described in the

adopted Ogden Valley Sensitive Lands Ordinance), the county may match that number at a rate of 2.0 units to each transferred unit.

(5) For every unit transferred to a resort from an area not previously listed but lying below an elevation of 5,500 feet, the county may match that number at a rate of 1.5 units to each transferred unit.

(6) For every unit transferred to a resort from any other areas within Ogden Valley, with the exception of units transferred from an elevation of 6,200 feet and above, the county may match that number at a rate of 1.0 unit to each transferred unit.

(e) *Density bonus units.* Any bonus units awarded by the county shall be calculated by multiplying the total of all TBUs plus the number of transfer incentive units earned, by a bonus percentage that is based upon an accumulation of each of the listed bonus options. The maximum bonus percentage shall not exceed 60 percent. Actions which qualify for density bonus units and their maximum bonus percentages are as follows:

(1) Develop a resort that can demonstrate (based upon substantial evidence and by means of a professional and empirical study) how it meets the purpose and intent of this chapter (e.g., utilize sustainable design practices that mitigate development impacts, preserve open space and convey a sense of stewardship for the land, contribute to the surrounding community's character and economic well-being, diversify and enhance quality public recreational opportunities): up to a ten percent bonus may be granted.

(2) Develop a resort that can demonstrate, (based upon substantial evidence and by means of a professionally prepared traffic impact analysis) that due to proposed transferring of development rights to the resort, an 80 percent reduction in (potential) future traffic congestion throughout the Ogden Valley and/or at key intersections such as the SR39/SR158 (spillway) intersection, SR158/Hwy. 162 (Eden four-way stop) intersection and the SR39/Hwy. 166 (Huntsville Crossroads) intersection will occur: up to a ten percent bonus may be granted.

(3) For an additional ten percent or more of conservation open space preserved within the resort in excess of the minimum required by this chapter: up to a one time maximum of five percent bonus may be granted.

(4) Provide a developed and (public land agency) approved access to public lands: up to a five percent bonus may be granted.

(5) Preservation of an Ogden Valley agricultural parcel (within or outside of the resort boundary) through the recordation of an agricultural preservation easement and agricultural preservation plan proposed by the developer and approved by the county in consultation with the state agriculture extension office: up to a ten percent bonus may be granted for parcels containing 50 acres of more; however; a 20 percent bonus may be granted for preserving an agricultural parcel containing 100 acres or more.

(6) Preservation of an Ogden Valley historical site (within or outside of the resort boundary) through the recordation of a historical preservation easement and historical preservation plan proposed by the developer and approved by the county in consultation the state historic preservation office: up to a 20 percent bonus may be granted.

(7) Establishment, promotion and implementation of an innovative program or project that substantially furthers Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan: up to a 30 percent bonus may be granted.

(8) Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local sewer, cemetery or other district, for the perpetual location and operation of a public facility: up to a five percent bonus may be granted.

(9) Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local park or other county-approved entity, for the perpetual location and operation of a public cultural or recreational facility: up to a 20 percent bonus may be granted.

(f) *Maximum permitted units.* The following formula demonstrates how to calculate the maximum permitted units at a destination and recreation resort: The maximum number of permitted units shall diminish as development occurs at a rate of one unit per one residential lot/unit developed and a rate of one unit for every 5,000 square feet of commercial space developed. Commercial area within hotel lobbies and conference rooms/facilities are excluded from this calculation.

(g) *Buffer area.* A buffer area, approved by the Ogden Valley planning commission, shall be provided at the perimeter of the resort boundary where commercial and/or multifamily buildings and associated parking are proposed to lie within close proximity to lands that are not a part of the resort, except where at the location of the use the Developer (as defined in the applicable Zoning Development Agreement) owns at least 200 feet of property extending from the resort boundary or where the Developer has received approval from the owner of any property within 200 feet of the resort boundary. The following minimum standards shall apply:

(1) DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit per three acres or larger: A minimum width of 200 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

(2) DRR-1 Zone abutting zones that allow residential uses with area requirements of less than one unit per three acres: a minimum width of 100 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

(3) DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No buffer required.

(4) No buffer area is required at or around a resort's interior lot or parcel boundaries or where a resort shares a common boundary with a local, state or federal agency that has entered into a contract or agreement for the use of adjacent local, state or federal lands.

(h) *Development standards.*

(1) *General design and layout.* A destination and recreation resort shall have a general design that concentrates a mixture of recreational, commercial and residential uses within and immediately adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas outside of the village core may include recreational and resort supporting uses/facilities and intermittently dispersed/clustered employee, single-family and multifamily dwellings.

(2) *Minimum area.* The minimum area requirement for a Destination and recreation resort shall be 1,000 contiguous acres located within the Ogden Valley. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan including lands under contract or agreement with a local, state or federal agency. Lands under such contract or agreement shall not count towards the minimum area requirement.

(3) *Maximum permitted units.* Current zoning is not considered when determining the maximum number of dwelling units allowed within a destination and recreation resort zone. The maximum number of units allowed within the zone (resort) shall be dependent upon; (1) an applicant's willingness to acquire and/or transfer development rights to the resort; (2) an applicant's desire to accrue additional discretionary units in the form of transfer incentive matching units (TIMUs) and/or density bonus units (DBUs); and (3) an applicant's ability to demonstrate a substantial public benefit and exhibit an exceptional vision and development plan superior to that allowed by current or conventional zoning.

a. The preservation of open space and the maintenance of the Ogden Valley's rural character and its natural systems are very important goals, therefore, it shall be required that an applicant make an initial transfer of development rights, to the resort, from elsewhere within the valley. This initial transfer will establish a base number of units, referred to as transferred base units (TBUs), that may be used in a request to receive additional transfer incentive matching units (TIMUs) and/or density bonus units (DBUs). These units, requested in addition to the TBUs, are an alternative source of development rights and are considered to be performance based units that may be awarded through a resort's voluntary participation in the transfer incentive and bonus unit options listed below. These

options are intended to provide flexibility and the voluntary means of increasing resort development rights through thoughtful and effective mitigation of resort development impacts and supporting Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan. To be eligible to receive TIMUs and/or DBUs, the units transferred to the resort shall be from an elevation of 6,200 feet and below unless located within an important wildlife habitat area and/or ridgeline area as defined by the Weber County Zoning Ordinance. Units transferred from an elevation above of 6,200 feet are permitted; however, those units, excepting those located with an important wildlife area and/or ridgeline area, shall not be eligible to receive TIMUs and/or DBUs. Refer to sections 104-29-3, 104-29-4 and 104-29-5 of this chapter for transferable development right eligibility and procedures for calculating and transferring units to a destination and recreation resort zone.

b. In the event that a previously approved master planned resort makes application to become (or makes application to amend) a destination and recreation resort zone, the resort may retain the remaining dwelling unit rights associated with a previously approved and executed zoning development agreement given that the resort can meet all other requirements of this chapter and demonstrate a substantial public benefit while exhibiting an exceptional vision and development plan superior to that allowed by current or conventional zoning. If a previously approved master planned resort chooses to increase densities beyond what remains as part of a previously approved and executed zoning development agreement, the resort shall be obligated to acquire and incorporate additional contiguous acreage into its boundary and/or acquire additional density in the form of transferable development rights, transfer incentive matching units and/or density bonus units.

    1. Density related to additional acreage, brought into the resort, shall be calculated in conformance with the standards found in section 104-29-4, with the exception of those in subsections 104-29-4(a)(6) and (7).

    2. Density related to additional acreage, brought into the resort, which is the subject of a previously approved master plan, zoning development agreement and/or other agreement with Weber County, relating to (or calculating) density, shall be calculated consistent with terms and conditions set forth in the previously approved master plan or agreement. Other (density and non-density) terms and conditions may, at the discretion of the Ogden Valley Planning Commission and Weber County Commission, be altered, modified or otherwise amended and included in any rezone approval in order to promote the health, safety and welfare of the residents of Weber County.

    3. Density related to transferable development rights shall be calculated in conformance with the standards found in sections 104-29-3 through 104-29-6

(4) *Transfer incentive matching units.* Each transferred base unit (TBU) that qualifies to receive transfer incentive matching units shall only be applied to one of the following six categories:

a. For every unit transferred to a resort from a parcel within the Shoreline (S-1) Zone and/or other parcels located in between Pineview Reservoir and the main roadway (Highways 158, 166, 39, and 2200 North Street) surrounding the Reservoir, Weber County may match that number at a rate ranging from 0.0—2.0 units to each transferred unit depending upon the percentage of units transferred as shown in the table below. To be eligible to receive the matching units associated with these parcels, the transferring parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element and shall be subject to the following table:

Percentage of Units Transferred from Parcel	**Match**

Less than 40%	0.0
40% to 55%	1.25
56% to 70%	1.5
71% to 85%	1.75
86% to 100%	2.0

b. For every unit transferred to a resort from a CVR-1 Zone located adjacent to the shoreline of Pineview Reservoir, Weber County may match that number at a rate of three units to each transferred unit. To be eligible to receive the matching units associated with these parcels, the following two conditions must be met:

1. All units, except one unit for every five acres within the parcel, shall be transferred.
2. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element.

c. For every unit (including those above an elevation above 6,200 feet) transferred to a resort from an area within the important wildlife area, as shown on the adopted Ogden Valley Sensitive Lands Map, Weber County may match that number at a rate of 2.0 units to each transferred unit.

d. For every unit (including those above an elevation above 6,200 feet) transferred to a resort from an area within a ridge line area that skylines as viewed from any scenic corridor at a distance of less than 2.5 miles, (as described in the adopted Ogden Valley Sensitive Lands Ordinance), Weber County may match that number at a rate of 2.0 units to each transferred unit.

e. For every unit transferred to a resort from an area not previously listed but lying below an elevation of 5,500 feet, Weber County may match that number at a rate of 1.5 units to each transferred unit.

f. For every unit transferred to a resort from any other areas within Ogden Valley, with the exception of units transferred from an elevation of 6,200 feet and above, Weber County may match that number at a rate of 1.0 unit to each transferred unit.

(5) *Density bonus units.* Any bonus units awarded by Weber County shall be calculated by multiplying the total of all TBUs plus the number of transfer incentive units earned, by a bonus percentage that is based upon an accumulation of each of the listed bonus options. The maximum bonus percentage shall not exceed 60 percent.

a. Develop a resort that can demonstrate (based upon substantial evidence and by means of a professional and empirical study) how it meets the purpose and intent of this chapter (e.g., utilize sustainable design practices that mitigate development impacts, preserve open space and convey a sense of stewardship for the land, contribute to the surrounding community's character and economic well-being, diversify and enhance quality public recreational opportunities); up to a ten percent bonus may be granted.

b. Develop a resort that can demonstrate, (based upon substantial evidence and by means of a professionally prepared traffic impact analysis) that, due to proposed transferring of

development rights to the resort, an 80 percent reduction in (potential) future traffic congestion throughout the Ogden Valley and/or at key intersections such as the SR39/SR158 (spillway) intersection, SR158/Highway 162 (Eden four-way stop) intersection and the SR39/Highway 166 (Huntsville Crossroads) intersection will occur; up to a ten percent bonus may be granted.

c. For an additional ten percent or more of conservation open space preserved within the resort in excess of the minimum required by this chapter; up to a one-time maximum of five percent bonus may be granted.

d. Provide a developed and (public land agency) approved access to public lands; up to a five percent bonus may be granted.

e. Preservation of an Ogden Valley agricultural parcel (within or outside of the resort boundary) through the recordation of an agricultural preservation easement and agricultural preservation plan proposed by the developer and approved by Weber County in consultation with the Utah State Agriculture Extension Office; up to a ten percent bonus may be granted for parcels containing 50 acres of more; however; a 20 percent bonus may be granted for preserving an agricultural parcel containing 100 acres or more.

f. Preservation of an Ogden Valley historical site (within or outside of the resort boundary) through the recordation of a historical preservation easement and historical preservation plan proposed by the developer and approved by Weber County in consultation the Utah State Historic Preservation Office; up to a 20 percent bonus may be granted.

g. Establishment, promotion and implementation of an innovative program or project that substantially furthers Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan; up to a 30 percent bonus may be granted.

h. Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local sewer, cemetery or other district, for the perpetual location and operation of a public facility; up to a five percent bonus may be granted.

i. Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local park or other county-approved entity, for the perpetual location and operation of a public cultural or recreational facility; up to a 20 percent bonus may be granted.

(6) [*Calculating maximum permitted units.*] The following formula demonstrates how to calculate the maximum permitted units at a destination and recreation resort:

Applicant's initial Transfer of Base Units (TBUs)

\+ Transfer Incentive Matching Units (TIMUs) Awarded by Weber County

× Density Bonus Unit (DBUs) Percentage Awarded by Weber County

———

= Maximum Permitted Units

a. The maximum number of permitted units shall diminish as development occurs at a rate of one unit per one residential lot/unit developed and a rate of one unit for every 5,000 square feet of commercial space developed. Commercial area within hotel lobbies and conference rooms/facilities are excluded from this calculation.

(7) *Buffer area.* A buffer area, approved by the Ogden Valley Planning Commission, shall be provided at the perimeter of the resort boundary where commercial and/or multifamily buildings and associated parking are proposed ~~to lie~~ within close proximity to lands that are not a part of the resort, except where at the location of the use the Developer (as defined in the applicable Zoning Development Agreement) owns at least 200 feet of property extending from the resort

boundary or where the Developer has received approval from the owners of any property within 200 feet of the resort boundary. The following minimum standards shall apply:

a. DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit per three acres or larger: A minimum width of 200 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

b. DRR-1 Zone abutting zones that allow residential uses with area requirements of less than one unit per three acres: A minimum width of 100 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

c. DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No buffer required.

d. No buffer area is required at or around a resort's interior lot or parcel boundaries or where a resort shares a common boundary with a local, state or federal agency that has entered into a contract or agreement for the use of adjacent local, state or federal lands.

(8) *Site development standards.*

a.	*Minimum lot area*		
	1.	Single-family residential/main building	~~6,000 sq. ft~~None.
	2.	Two, three, four and multi-family, commercial and mixed use structure	None
	3.	Public utility substation	As required in Chapter 26, Public Utility
	4.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
b.	*Minimum lot width*		
	1.	Single-family residential/main building	~~60 feet~~None
	2.	Two, three, four and multi-family, commercial and mixed use structure	None
	3.	Public utility substation	As required in Chapter 26, Public Utility
	4.	Other	~~As otherwise required by the Uniform Land Use Ordinance of Weber County~~None

c.	*Site setbacks.* Setbacks shall apply for the following specific uses:			
	1.	Front yard		
		i.	Single, two, three and four-family dwelling	None (0 feet)~~20 feet~~
		ii.	Accessory building related to the above	None (0 feet)~~20 feet~~
		iii.	Multifamily, commercial and mixed use structure	None (0 feet)
		iv.	Accessory building related to the above	None (0 feet)~~20 feet~~
		v.	Public utility substation	As required in Chapter 26, Public Utility
		vi.	Other	None (0 feet)~~As otherwise required by the Uniform Land Use Ordinance of Weber County~~
	2.	Side yard		
		i.	Single, two, three and four-family dwelling	~~8~~ 3 feet ~~with a total of two required side yards of not less than 18 feet~~
		ii.	Accessory building	3~~8~~ feet~~, except 3 feet when located at least 10 feet from the rear of the dwelling~~
		iii.	Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel sides on an existing parcel in a commercial zone, lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.

	iv.	Accessory building	None (0 feet); exception is the same as above
	v.	Public utility substation	As required in Chapter 26, Public Utility
	vi.	Other	~~As otherwise required by the Uniform Land Use Ordinance of Weber County~~None
3.	Rear yard		
	i.	Single, two, three and four-family dwelling	~~20~~ 10 feet
	ii.	Accessory building	3 feet~~, except 8 feet where accessory building rears on side yard of a lot that lies adjacent to a corner lot~~
	iii.	Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel rears on an existing parcel in a commercial zone lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.
	iv.	Accessory building	None (0 feet); exception is the same as above
	v.	Public utility substation	As required in Chapter 26, Public Utility
	vi.	Other	~~As otherwise required by the Uniform Land Use Ordinance of Weber County~~None.
d.	*Maximum building height*		
1.	Single, two, three and four-family dwelling		35 feet
2.	Multifamily, commercial and mixed use structure		55 feet at elevations lower than 6,200 feet above sea level. ~~Any building designed to exceed a height of 55 feet shall require a conditional use permit unless otherwise exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations.~~ 75 feet at elevations of

			at least 6,200 feet above sea level.
	3.	Public utility substation	35 feet, unless otherwise exempted in Section 108-7-5~~Chapter 23 (23-5),~~ Supplementary and Qualifying Regulations
	4.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County

(9) *Open space.* A minimum of 60 percent of the adjusted gross acreage, owned by the resort and located within the destination and recreation resort zone, shall be designated as open space. A portion of that open space shall consist of conservation open space in an amount equal to or greater than 30 percent of the resort's adjusted gross acreage. The area designated as conservation open space shall be encumbered by an irrevocable conservation easement meeting the general/applicable requirements described in section 104-29-6 of this chapter and shall be granted prior to beginning any construction within an overall project phase. The minimum number of acres encumbered by each easement shall be equal to or greater than the number of acres involved in each project phase until the total number, of required conservation open space acres, is met. Areas dedicated (platted and recorded) as open space within residential and nonresidential subdivisions may count towards the minimum open space requirement.

(Ord. of 1956, § 44-2)

Sec. 104-29-3. - Transferable development right (TDR) eligibility.

Real transfer from parcels contiguous or noncontiguous to the resort and not included as part of DRR-1 Zone. A landowner may transfer development rights from any lot of record or described parcel of land that is contiguous or noncontiguous to the resort and meets or exceeds the minimum (single-family dwelling) area requirement for the zone in which it located. A landowner may also transfer development rights from any parcel that has been described in a document (e.g., deed, sales contract or survey) and subsequently recorded in the office of the Weber County Recorder in between January 1, 1966 and June 30, 1992. This parcel must have complied with the zoning requirements in effect at the time of its creation but not necessarily undergone or successfully completed the county subdivision process. Development rights transferred from parcels, as described above, shall be considered eligible to receive TIMUs and DBUs as described in section 104-29-2(c) (Maximum permitted units). A resort that transfers development rights shall do so by conforming to the requirements of this chapter and shall finalize and record all necessary transfers (for a particular phase or part thereof) prior to submitting any application for subdivision or plan approval for any site within the destination and recreation resort zone.

(1) At the discretion of the resort, development rights required to be transferred in order to establish an initial number of transferred base units (TBUs), as described in section 104-29-2(c) (Maximum permitted units), may be acquired through a purchase of real property or through private negotiation and purchase of transferable development rights only.

(2) Refer to section 104-29-4 (Calculating transferable density) for transferable density calculation requirements. Refer to section 104-29-5 (Transferable development right procedure) and section 104-29-6 (Transferable development right easement) for procedural and content requirements relating to a transfer of development right easement.

(Ord. of 1956, § 44-3)

Sec. 104-29-4. - Calculating transferable density.

(a) Transferable density calculation for real transfers. Except for the circumstances and/or conditions listed below, every lot of record; and every described parcel of land exceeding the minimum (single-family dwelling) area requirement, for the zone in which it is located; and every parcel/lot that has been described in a deed, sales contract or survey that was recorded in the office of the county recorder, in between January 1, 1966, and June 30, 1992, and met the zoning requirements in effect at the time of its creation but has not necessarily undergone and successfully completed the county subdivision process shall be granted transferable development rights based upon the parcel/lot's record description/area and current or other applicable zoning. Transferable development rights shall be excepted from and/or not granted to the following:

(1) Areas within a described parcel of land containing slopes of 40 percent or greater in forest zones and 30 percent or greater in all other zones.

(2) Areas within a described parcel of land and/or proposed irrevocable transfer of development right easement (ITDRE) reserved for future development or designated as a reserved future development area (RFDA) on an approved transferable development right site plan.

(3) Areas within a described parcel of land or lot of record restricted by conservation easement or similar instrument restricting residential or commercial development.

(4) Areas or tracts of land owned by federal government and/or state government agencies.

(5) Areas or tracts of land lying outside of the Ogden Valley area as defined by the Ogden Valley general plan, recreation element project area map adopted December 27, 2005 (OVGPRE; Figure 1, pg 4).

(6) Lot of record subject to the payment of fees for operation and/or maintenance of common areas, open space, amenities and/or private facilities.

(7) Fractional and/or noncontiguous portions of a lot of record or parcel of land that does not meet or fully exceed the minimum (single-family dwelling) area requirement for the zone in which it is located.

(b) The following provides an example of calculating the development rights associated with a typical parcel of land that exceeds the minimum (single-family dwelling) area requirement.

(Ord. of 1956, § 44-4)

Sec. 104-29-5. - Transferable development right procedure.

(a) Real transfer from parcels contiguous or noncontiguous to the resort but not included as part of DRR-1 Zone. At the discretion of the resort, development rights required to be transferred in order to establish an initial number of transferred base units (TBUs), as described in section 104-29-2(c) (Maximum permitted units), may be acquired through a purchase of real property or through private negotiation and purchase of transferable development rights only. In either situation, the property owner or his representative who wishes to transfer development rights shall complete the following:

(1) *Registration.* A property owner or his representative who is interested in transferring development rights from their property shall register to do so by declaring his intent and desire, to transfer development rights, on an official county request to register transferrable development rights form. The transferrable development right register shall be maintained by the county planning division and shall be made available to any resort upon request.

(2) *Certification request.* A property owner or his representative who has chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone shall obtain an Ogden Valley certificate of transferable development rights by providing the county planning division with the following:

a. Payment of a certification fee.

b. Complete county request to certify transferrable development rights form.

c. Map of the property in the form of a county recorder's plat or record of survey map filed in accordance with USC 17-23-17.

d. Legal description, including total acreage, as it appears in the county recorder's office or as it is described on a record of survey map on file in the county surveyor's office.

e. Transferable development right site plan, drawn to a scale no smaller than 100 feet to one inch, that demonstrates the location and dimensions of all important features including, but not limited to, reserved future development right areas, water bodies or courses, easements and buildings within the subject parcel (transferring parcel) of land.

f. Slope analysis, performed by a professionally licensed engineer or land surveyor, that identifies developable acreage as described in the section 106-2-9 of this Land Use Code. This requirement may be waived by the county engineer upon finding that the subject parcel of land (transferring parcel) is not affected by steep terrain as defined in section 106-2-9

g. Preliminary title report demonstrating that the subject parcel of land (transferring parcel) has clear title; or a preliminary title report identifying any interested party making claim to the property and/or any beneficiary of an easement or encumbrance that exists in the form of a mortgage, deed of trust or other instrument that either secures the property and its unrestricted value as collateral or restricts development in any manner.

h. Title report summary letter prepared by the property owner or his representative who has chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone. The letter shall, in the form of an outline, list all interested parties and provide contact information and details describing interest and/or encumbrance types and order of subordination if applicable.

i. Subordination agreement, provided by each and all interested parties with rightful claims and/or beneficiaries of existing encumbrances, that clearly states that the interested party and/or beneficiary acknowledges and agrees to a subordinate position to the grantee of an irrevocable transfer of development right easement (ITDRE) and the enforcement of its terms. The letter shall also clearly state that the interested party and/or beneficiary, by exercising any right granted to them under a mortgage, deed of trust or other instrument, cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of the ITDRE.

j. Proposed transfer of development right easement meeting the requirements of section 104-848.

k. Proposed transfer of development rights deed.

(3) *Certification.* The county planning division, after consideration of all relevant information, shall issue a certificate of transferable development rights, based on an official request and its conformance to the standards of this chapter. The certificate shall state the number of transferable development rights approved and available for transfer and shall be valid for a period of time not to exceed 60 days from the date of issuance.

(4) *Transfer.* Prior to the expiration of a certificate of transferable development rights and prior to or at the time of application for a specific land use (e.g., subdivision or site plan approval) within a destination and recreation resort zone, all transfer documents, including an approved transfer of development rights deed and an approved transfer of development right easement, shall be executed by appropriated signature and recordation in the office of the county recorder. Recording of the transfer of development rights deed and a transfer of development right easement shall constitute a complete transfer, therefore, enabling resort land use applications to be accepted and processed through the county planning division.

(Ord. of 1956, § 44-5)

Sec. 104-29-6. - Transferable development right easement.

Irrevocable transfer of development right conservation easement. To ensure consistency and the perpetual protection and preservation of a parcel's conservation values, a parcel that is the subject of a proposed development right transfer shall be encumbered by an irrevocable transfer of development right conservation easement that meets the requirements described in section 57-18-1 et seq. of Utah Code and consists of but is not be limited to the following content and/or requirements:

(1) *Title/form.*

a. The easement shall be entitled as an "Irrevocable Transfer of Development Rights (TDR) Conservation Easement."

b. The easement shall be in a form considered appropriate and acceptable to the office of the Weber County recorder.

(2) *Grantor/grantee.* The easement shall name Weber County and one other qualified conservation organization, which is authorized to hold interest in real property, as the grantees. The qualified conservation organization, named as grantee, shall meet the requirements described in section 57-18-3 of Utah Code and shall require the approval of the county.

(3) *Recital.* The easement shall recite and explain all matters of fact, including a parcel/boundary description, which are necessary to make the transaction intelligible.

(4) *Nature of easement.* The easement shall explain its perpetual, irrevocable, inheritable and assignable nature.

(5) *Purpose.*

a. The easement shall explain its purpose in terms of how it is intended to protect, preserve, enable the creation or continuation of an anticipated use and prevent certain conditions or uses upon the land that may diminish its open space qualities.

b. It shall be acknowledged, within this section, that the above "statements of purpose" are intended to be a substantive provision of the easement and that any ambiguity or uncertainty regarding the application of the terms of the easement will be resolved so as to further its purpose.

(6) *Permitted uses and activities.*

a. The easement shall list the property rights that have been retained by the grantor, including the right to allow or restrict public access, and shall acknowledge that these rights are consistent with the applicable zoning for the area in which the parcel is located.

b. In the event that a residential development right has been retained on the subject parcel (transferring parcel), a statement shall be made, within this section, which explains the remaining number and type of development rights associated with the parcel. An exhibit shall also be referenced, within this section, which restricts and graphically demonstrates the general location of any future development.

(7) *Prohibited uses and activities.* The easement shall list the property rights that have been voluntarily relinquished by the grantor and acknowledge that any exclusion does not constitute an approved use or imply that uses may be inconsistent with the applicable zoning for the area in which the parcel is located.

(8) *Water rights.*

a. Agricultural parcels, when the subject of an irrevocable transfer of development rights (TDR) conservation easement, shall maintain a sufficient right to water in order to preserve agricultural production, therefore, it shall be required that the easement state that the grantor is legally prohibited from conveying, transferring, encumbering, leasing or otherwise separating or changing any historic water use on the parcel.

b. In the event that an agricultural parcel requires flexibility in its use of water to protect historic water rights, the grantor may make such statement that will allow the temporary lease of water rights for a period of time not to exceed two years. Such statement shall

acknowledge that the temporary lease will conform to all state requirements and will not permanently separate any historic water right from the agricultural parcel. Such statement shall also acknowledge that the grantees of the easement shall be notified prior to entering into any short-term water lease.

(9) *Monitoring and enforcement.*

a. The easement shall state that the grantee will have the right to enforce the terms of the easement by entering the property, provided that an advance notice of 24 hours is provided to the grantor, for the purpose of inspecting the property for suspected/reported violations. Additionally, it shall state that the grantee shall have the right to enter the property at least once a year, at a mutually agreed time for the purpose of inspection and compliance monitoring regardless of whether grantee has reason to believe that a violation of the easement exists. In order to establish a monitoring baseline, an exhibit shall also be referenced, within this section, which inventories, graphically demonstrates and photo documents relevant features and the existing condition of the parcel.

b. For the purposes of correcting any violation, condition or circumstance that is not consistent with the terms of the easement, it shall be stated that the grantee or assigns may, at their discretion, use any available legal or equitable remedy to secure and restore compliance with the standards set forth in the easement. Legal and/or equitable remedies may include but not be limited to injunctive relief, entering the property to perform restorative activities and/or recorded lien.

(10) *Termination and extinguishment.* The easement shall state under which conditions and/or circumstances that the easement could be terminated. These conditions may include but not be limited to grantee consent, court action or eminent domain.

(11) *Subordination.* Prior to granting the easement the grantor shall submit a title report and certify, within this section, that the subject parcel of land (transferring parcel) has clear title and is not encumbered by a mortgage, deed of trust or other instrument securing the property and its unrestricted value as collateral. If the subject property (transferring parcel) has been encumbered by a mortgage, deed of trust or other instrument that has secured the property and its unrestricted value as collateral, the grantor shall declare all encumbrances, within this section, and reference an exhibit, provided by any and all beneficiaries, that acknowledges and agrees to their subordinate position as it relates to the easement and the enforcement of its terms. The agreement/exhibit shall also clearly state that the beneficiary, by exercising any right granted to them under a mortgage, deed of trust or other instrument, cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of the easement.

(12) *Costs and liabilities.* The easement shall state that the grantor will continue to be responsible for and bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the subject property (transferring parcel).

(13) *Conveyance or transfer of property.* The easement shall state that any document intended to transfer or convey the subject property (or any interest in the subject property) will specifically refer to the easement and disclose its perpetual nature and the fact that it runs with the land. It shall also state that any failure to comply with this requirement shall not adversely affect the grantee's right to enforce the terms of the easement in any way.

(14) *General provisions.* This section shall describe provisions for but not limited to easement amendments, controlling law and interpretation.

(Ord. of 1956, § 44-6)

Sec. 104-29-7. - Seasonal workforce housing.

(a) *Seasonal workforce housing.* A seasonal workforce housing plan shall be incorporated into the overall resort in order to provide a socially, economically and environmentally responsible development. To balance neighborhoods and promote a sense of community between visitors and

working residents, the resort shall locate a majority of seasonal workforce housing units within the resort or on property that is contiguous to the resort and offer a total number of units at a rate that meets or exceeds the following requirements based on the land use categories and calculations below:

(1) A specific development site that proposes a land use that requires the resort developer to project the full-time equivalent employee (FTEE) generation, shall divide the FTEE by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be multiplied by ten percent to calculate the required number of seasonal workforce housing units. Fractional housing units shall be rounded up to the nearest whole unit.

(2) A specific development site that has an assigned employee generation value shall use that value to establish a FTEEs generated. The number of FTEEs shall then be divided by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be multiplied by ten percent to calculate the required number of seasonal workforce housing unit(s). Fractional housing units shall be rounded up to the nearest whole unit.

(b) *Housing type.* Workforce housing may consist of structures such as; single-, two-, three- and four-family dwellings, multifamily dwellings and rental units. Rental units may be apartments, dormitories, boardinghouses and/or residence halls.

(c) *Housing affordability.* An annual report shall be generated and presented to the county planning staff that outlines a previous year's employment level, workforce housing need, housing type/availability and occupancy. The report shall also outline the methods guaranteeing perpetual affordability and the rental and/or mortgage payments as they relate to housing types. Housing payments, including utilities, shall not exceed 30 percent of the upper valley moderate income as defined in the county moderate income housing plan.

(d) *Density and affordable workforce housing.* Any increases in density caused by the development of workforce housing requirements shall be in addition to the allowable density approved at the time of the DRR-1 Zone application.

(Ord. of 1956, § 44-7)

Sec. 104-29-8. - Land uses.

Use	Permitted (P) Conditional (C)
Residential Uses	
Single-family dwelling	P
Two-family dwelling (aka Duplex)	P
Three-family dwelling	P

Four-family dwelling	P	
Multi-family dwelling	P	
	Recreation lodge	P
	Lock-out sleeping room~~; maximum of two per dwelling unit~~.	P
	Condominium rental apartment (Condo-Tel)	P
	Private residence club	P
	Townhome	P
Residential facility for persons with a disability meeting the requirements of section 108-7-13	P	
Timeshare/fractional ownership unit	P	
~~Nightly rental of single-family dwellings~~	~~C~~	
Hotel	P	
Bed and breakfast dwelling/B&B inn/B&B hotel	~~C~~P	
Accessory apartments	~~C~~P	
Workforce housing/dormitory/residence hall	P	
Hostel	P	
Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	~~C~~P	
Nightly Rentals of Single, Two, Three, Four, Multi-Family dwellings, recreation lodges, lock-out sleeping rooms, detached lockouts, condominiums, condominium rental apartments (Condo-Tel), private	P	

residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, bed and breakfast dwellings/B&B inns/B&B hotels, accessory apartments, workforce housing/dormitories/residence hall, hostel, campground, accessory dwelling units, and all or any portion of any other residential use.	
Commercial Uses	
Bank/financial institution	P
Bakery	P
Drinking establishment	P
Grocer/neighborhood market	P
Delicatessen	P
Boutique (gift, flower, antique, clothing, jewelry)	P
Fueling station/gas station	P
Conference/education center	P
Wellness center (i.e., spa, fitness, etc.)	P
Art gallery and studios	P
Book store	P
Beauty/barber shop	P
Short-term vendor	P
Package liquor Store	P

Private club	P
Restaurant; excluding drive-thru window	P
Sporting goods/clothing store; including rental	P
Other Uses	
Arts theater and performance facility/auditorium/amphitheater	P
Agriculture	P
Childcare facilities	P
Church/place of worship	P
Clinic/medical facility	P
Community center	P
Developed recreation facility (i.e., swimming, golf course, ice skating, skate park, playground, tubing hill, tennis, etc.)	P
Dude ranch; including horse rental	P
Equestrian center	P
Gun club/skeet/sporting clay	C
Heliport, subject to the following standards:	~~C~~P
1.	A heliport must be located at an elevation of at least 6,200 feet above sea level.
2.	A heliport must be located at least 200 feet from any resort boundary, except where the Developer (as defined in the applicable Zoning Development Agreement) owns at

	least 200 feet of property extending from the resort boundary at the planned location of the heliport or where the Developer has received approval from the owner of any property within 200 feet of the resort boundary at the planned location of the heliport. The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the resort boundary provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the planning commission.
3.	The heliport landing surface must be dust-proof and free from obstructions.
4.	Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.
Home occupation; with no visiting clientele	P
Home occupation; with visiting clientele	C
Horses for private use, provided that not more than two are kept for each one acre of land exclusively devoted to the keeping of horses	P
Trails (nordic, hiking, biking, equestrian)	P
Laundromat	P
Museums	P
Nordic center	P
Office; professional and resort administrative	P

Office supply/shipping service	P
Parking areas and structures	P
Parks and playgrounds	P
Pharmacy	P
Public building	P
Public utility substation and structure	C
Real estate office	P
Recreation centers	P
Recreation vehicle storage	P
School; public or private school having a similar curriculum as a public school	P
Ski area and associated facilities, including lifts	P
Ski lodge and associated services	P
Small wind energy system; meeting the requirements of section 108-7-24	C
Solar energy installation; meeting the requirements of section 108-7-27	~~C~~P
Telecommunications tower	C
Yurt	P
Cluster subdivision excluding bonus density; meeting the requirements of title 108, chapter 3	P
PRUD excluding bonus density; meeting the requirements of title 108, chapter 5	Pursuant to Chapter 5.~~C~~

Welcome/information center	P
Wastewater treatment facility; meeting the requirements of the state division of water quality	~~C~~P
Water pumping plants and reservoirs	~~C~~P
Accessory Dwelling Unit	P
Greenhouse, nursery or farm	P
Transit Facility	P
Additional Kitchens	P
Corral, stable or building for keeping of animals or fowl.	P
Household Pets	P
Private stables	P
Educational facilities	P
Liquor, wine and beer manufacturing, bottling, blending, distilling, packaging, sales and related activities	P
Temporary building or use incidental to construction work. Such building removed upon the completion or abandonment of the construction work.	P
Grazing and pasturing of animals.	P
Detached Lockouts	P
Accessory building or use customarily incidental to a permitted use	P

Sec. 104-29-10. – Second Kitchen.

The Second Kitchen Covenant shall not be required for the construction of additional kitchens.

Sec. 104-29-11. – Miscellaneous Improvements.

"Miscellaneous Improvements" means improvements with a height less than six (6) feet such as walkways, steps, patios, decks, exterior railings, and similar exterior Dwelling improvements; (b) exterior landscaping décor such as planter, landscaping curbs, or any other similar exterior landscaping décor or improvements; (c) hot-tubs, barbeque grills, firepits, firebowls, patio heaters, benches, picnic tables and hammocks. In addition, without reference to height, overhangs, eves, decks, stairs, access ramps and retaining walls that are connected or attached to the structure shall constitute "Miscellaneous Improvements." Miscellaneous Improvements are permitted outside of the building envelope.

(Ord. No. 2012-1, § 4, 1-3-2012)

CHAPTER 1. - DESIGN REVIEW

Sec. 108-1-1. - Purpose.

(a) The purpose and intent of design review by the planning commission is to secure the general purposes of this chapter and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

(b) It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings or as guided by the Ogden Valley Architectural and Landscape chapter.

(Ord. of 1956, § 36-1; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-2. - Application and review.

(a) All applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the planning commission with the exception that small buildings or additions with a total footprint of less than 10,000 square feet, and which impact an area of less than one acre may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances. In the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, the buildings with a total footprint of less than 100,000 square feet may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances and/or the intent of the applicable master plan. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.

(b) All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.

(Ord. of 1956, § 36-2; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-3. - Exceptions.

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this chapter are met.

Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as set forth in section 108-1-4.

CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

Sec. 108-8-1. - Purpose and intent.

The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and in so doing, promote the safety and well being of the citizens of the county. Subsequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off-street parking space with adequate provisions for ingress and egress by standard sized automobiles.

(Ord. of 1956, § 24-1; Ord. No. 27-80; Ord. No. 2011-3, § 24-1, 2-15-2011)

Sec. 108-8-2. - Parking spaces for dwellings.

In all zones there shall be provided in a private garage or in an area properly located for a future garage:

Single-family dwelling	Two side-by-side parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

(1) If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

(Ord. of 1956, § 24-9; Ord. No. 27-80; Ord. No. 2011-3, § 24-9, 2-15-2011)

Sec. 108-8-11. - Regulations governing accessory vehicle off-street parking within required side yard areas.

One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed in one required side yard of a dwelling provided that:

(1) The dwelling unit has the minimum number of required off-street parking spaces as stipulated by section 108-8-2

(2) The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling.

(3) The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway.

(4) Any slab constructed must remain open and unobstructed to the sky.

(5) No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete or asphalt.

(6) Any slab constructed for vehicle parking must be screened by a non-see through fence of not less than six feet in height along the length of the slab behind the front yard setback.

(7) All stormwater run off from the hard surface of slab must be directed so as to prevent drainage onto adjacent properties.

(Ord. of 1956, § 24-10; Ord. No. 27-80; Ord. No. 2011-3, § 24-10, 2-15-2011)

Sec. 108-8-12. - Off-site improvements required.

(a) The applicant for a use permit for all residential, commercial or industrial structures, all other business and uses, and public and semi-public buildings shall install high back curb, gutter and sidewalk and entrance ways to county public works standards and location, within public or private streets along the entire property line which abuts the street, except in agricultural, shoreline and forestry zones, and where county regulations exempt such curb, gutter or sidewalk installation.

(b) The planning commission may defer or exempt the installation of high back curb and gutter and/or sidewalk where topographies, timing or other unusual or special conditions exist, provided that the public health, safety and welfare is preserved.

(Ord. of 1956, § 24-11; Ord. No. 27-80; Ord. No. 13-86; Ord. No. 2011-3, § 24-11, 2-15-2011)

Sec. 108-8-12. – Ogden Valley Recreation and Resort Zone.

Within any Ogden Valley Recreation and Resort Zone where a master plan has been approved by the Planning Commission, the Planning Director may modify any provision of this Chapter by approving a Parking Plan created by the Developer (as defined in the applicable Zoning Development Agreement) if the Planning Director determines that the plan is consistent with the approved master plan.

CHAPTER 19. - ACCESSORY APARTMENTS

Sec. 108-19-1. - Purpose and intent.

The purpose of allowing accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.

(Ord. of 1956, § 42-1)

Sec. 108-19-2. - Conditional use.

Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:

(1) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.

(2) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.

(3) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.

(4) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.

(5) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.

(6) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking.

(Ord. of 1956, § 42-2)

Sec. 108-19-3. - General provisions.

In addition to the section above, the following general provisions shall apply:

(1) Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences.

(2) Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation.

(3) There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section.

(4) All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.

(5) The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.

(6) The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal.

(Ord. of 1956, § 42-3)

Sec. 108-19-4. - Application procedure.

The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment:

(1) A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the township planning commission in which jurisdiction the property lies.

(2) Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.

(Ord. of 1956, § 42-4)

Sec. 108-19-5. - Moderate income housing provision.

In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines.

(1) To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy.

(2) The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.

(Ord. of 1956, § 42-5)

Sec. 108-19-6. – Destination and Recreation Resort Zone.

Accessory Apartments shall be a permitted use in the Ogden Valley Destination and Recreation Resort Zone and the specifications of such Accessory Apartments shall be up to the discretion of the Developer (as defined in the applicable Zoning Development Agreement). For clarity, the other provisions of this Section shall not apply to Accessory Apartments in the Ogden Valley Destination and Recreation Resort Zone.

CHAPTER 2. - OGDEN VALLEY SIGNS

Sec. 110-2-1. - Purpose and intent.

The purpose and intent of the sign standards is to provide for reasonable display of all signage in the Ogden Valley to identify and advertise products, services, institutions, events, and business establishments for the information and convenience of the general public. These standards and criteria are designed to protect and promote the public health, safety, and general welfare of persons within the community. The standards are also designed to aid in the orderly development and promotion of business by providing regulations, which encourage aesthetics, effectiveness, and flexibility in the display and use of signs while protecting and enhancing community character in the unincorporated portion of the Ogden Valley in Weber County, as described in the Ogden Valley General Plan.

It is the county's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.

(Ord. of 1956, § 32B-1; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013)

Sec. 110-2-2. - Applicability.

(a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use permit, and meeting the standards set forth in this section. Signs conforming to the requirements of this section which identify seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new permit. All applications for land use permits shall be accompanied by plans, designs, specifications and drawings stating specifically all dimensions, lighting, colors and plan of installation stating clearances and setbacks. Land use permits expire six months after issuance if the sign is not erected or altered pursuant to the permit.

(b) *Maintenance and repainting exempt.* The repainting, changing of parts, and general maintenance of signs located on the site shall not be deemed alterations requiring a permit, except for nonconforming signs as set forth in section 110-2-4, Nonconforming signs.

(Ord. of 1956, § 32B-2; Ord. No. 2009-30)

Sec. 110-2-3. - Master signage plan.

A master signage plan shall be required to ensure compliance with standards and requirements of this Land Use Code when multiple signs are allowed and/or multiple tenants, businesses or other entities occupy a single building or storefront.

(1) *Approval of the master signage plan.* The master signage plan is subject to site plan approval, and once approved, all individual land use permits shall comply therewith.

(2) *Requirements.* Each master signage plan shall clearly indicate the location, size, illumination details, type and all dimensions, including height, of each sign on the property, as well as the distribution or allowed signage among multiple tenants, businesses or entities within a building or complex.

(Ord. of 1956, § 32B-3; Ord. No. 2009-30)

Sec. 110-2-4. - Nonconforming signs.

A sign may be reinstalled which duplicates the original nonconforming sign in dimensions and location. Any changes in size or location shall require conformance to this chapter and the current lighting ordinance.

c. Subdivision entry signs (monument sign). Each subdivision may be allowed one monument sign, not to exceed six feet in height and ten feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade.

(c) *Destination and recreation resort zone.*

(1) *Nonresidential uses.*

a. *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per street frontage which shall not exceed five percent of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed five percent of width of the unit multiplied by the height.

b. *Ground/monument sign.* Each freestanding building or complex having primary or secondary entry from a street, shall be allowed one ground sign per frontage, not to exceed six feet in height and ten feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from finished grade. The planning commission may approve up to two ground/monument signs at each main resort entrance/portal when presented as part of a master signage plan as described in section 110-2-3

c. *Portable signs.* A-frame or sandwich signs not exceeding nine square feet may be placed outside of a particular subdivision, project or event site; however, the sign must remain within the resort boundary.

d. *Banners not to exceed 21 square feet each.* Each sign shall be safely secured to a permanent fixture and extend no closer than eight feet to the ground.

e. *Changeable copy signs.* Manual signs only meeting the requirements as listed in section 110-2-10(b) (Special purpose signs—destination and recreation resort manual changeable copy signs).

(2) *Residential uses.*

a. Single-family and residential units of less than eight units. One wall sign identifying the name of the owner and/or property, not to exceed six square feet is permitted.

b. Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square feet in area is permitted.

c. Subdivision entry signs (monument sign). Each subdivision may be allowed one monument sign, not to exceed six feet in height and ten feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade.

(3) *Sign plan.*

Within any Ogden Valley Recreation and Resort Zone, at elevations of at least 6,200 feet above sea level, where a master plan has been approved by the Planning Commission, the Planning Director may modify any provision of this Chapter by approving a Sign Plan created by the Developer (as defined in the applicable Zoning Development Agreement) if the Planning Director determines that the plan is consistent with the approved master plan.

-(Ord. of 1956, § 32B-6; Ord. No. 2006-6; Ord. No. 2009-30)

Sec. 110-2-6. - Optional and alternative signs.

(a) *Canopy signs.* Canopy signs may be substituted for wall signs, subject to approval of the master signage plan. Any approved canopy sign shall have a minimum vertical clearance of eight feet from any walking surface.

(b) *Projecting signs.* Projecting signs that are perpendicular to a building may be substituted for wall signs, subject to approval of the master signage plan. No sign face of a projecting sign may project

more than four feet from the wall to which it is mounted. Any projecting sign shall have a minimum vertical clearance of eight feet from any walking surface.

(c) *Entrance/exit signs.* Entrance/exit signs are limited to two signs for each approved driveway opening for commercial uses and multi-tenant dwellings, and shall be limited to a maximum of three square feet per side, and shall be no higher than five feet above the ground at the top of the sign. Setbacks shall be ten feet from right-of-way. Content is limited to "Entrance" and "Exit."

(Ord. of 1956, § 32B-7; Ord. No. 2009-30)

Sec. 110-2-7. - Window signs.

Signs displayed in windows of buildings or storefronts are permitted. A sign permit is not required for their display, provided the following standards are met:

(1) *Size limit.* Window signage shall occupy no more than 25 percent of the area of the window in which the signs are displayed. In no event shall window signage exceed 16 square feet in any one window that would reduce air and/or light.

(2) *Prohibited features of window signs.* No window sign, not any other sign within a building or structure shall flash, rotate or be mechanically or electronically animated in any way so as to be visible from outside of the building or structure for purposes of public safety.

(Ord. of 1956, § 32B-8; Ord. No. 2009-30)

Sec. 110-2-8. - Prohibited signs.

The following signs and types of signs are prohibited in all zoning districts in the Ogden Valley of Weber County:

(1) *Moving signs.* Animated, flashing, blinking, fluttering, undulating, swinging, changing, rotating or otherwise moving signs, pennants, tethered "party or weather-type" balloons, holograms, light beams, lasers or other like decorations.

(2) *Moving appurtenances.* Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.

(3) *Rotating beacon lights.*

(4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type hot air balloons being used for passenger flight.)

(5) *Portable signs.* Changeable copy trailer, a-frame, sandwich, or portable signs, except as permitted in section 110-2-10, Special purpose signs and section 110-2-5(c), Destination and recreation resort zone.

(6) *Banners.* Banners, except as permitted in section 110-2-11, temporary sign usage, section 110-2-9 (19), other signs, and section 110-2-5(c), destination and recreation resort zone.

(7) *Changeable copy signs.* Electronic changeable copy signs. Manual changeable copy signs except as permitted in section 110-2-10, Special purpose signs.

(8) *Off-site signs.* All off-site, off-premises and directional signs which advertise businesses, establishments, activities, facilities, goods, products, or services not made, produced, sold or present on the premises or site where the sign is installed and maintained are prohibited, except as exempted in section 110-2-9, Other signs. Notwithstanding the foregoing, where access to a parcel is via an adjacent parcel, signs may be located on such adjacent parcel.

(9) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may be allowed on vehicles, but they may not be illuminated or parked on a long-term basis to be used as a sign for the purpose of advertising a product or directing people to a business activity as listed in section 110-2-9, Other signs.

CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

Sec. 108-8-1. - Purpose and intent.

The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and in so doing, promote the safety and well being of the citizens of the county. Subsequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off-street parking space with adequate provisions for ingress and egress by standard sized automobiles.

(Ord. of 1956, § 24-1; Ord. No. 27-80; Ord. No. 2011-3, § 24-1, 2-15-2011)

Sec. 108-8-2. - Parking spaces for dwellings.

In all zones there shall be provided in a private garage or in an area properly located for a future garage:

Single-family dwelling	Two side-by-side parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces

Other multiple-family dwellings

Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

(1) If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

(2) In addition to the above parking space requirements, three-fourths parking space shall be provided for each rental sleeping room in a dwelling unit.

(Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011)

Sec. 108-8-3. - Access to lots in subdivisions.

Access to lots in subdivisions shall be across the front lot line abutting a public or private street or as otherwise approved by the land use authority.

(Ord. of 1956, § 24-2A; Ord. No. 27-80; Ord. No. 96-26; Ord. No. 2011-3, § 24-2A, 2-15-2011; Ord. No. 2012-7, § 3, 5-1-2012)

Sec. 108-8-4. - Parking space for non-dwelling buildings and uses.

For new buildings and uses or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing building there shall be provided:

Apartment hotel	One space per two sleeping units
Auditorium	One space per five fixed seats
Auto repair shop	One space per employee plus five spaces for client use
Bank	Not less than 30 spaces
Beauty shop	Two spaces per staff member
Beautician shop	Three spaces per staff member
Boardinghouse	Three spaces per four persons to whom rooms will be rented
Bed and breakfast inn	One space per each rental sleeping room and bed and breakfast hotel in addition to the owner/host required two spaces
Business office	One space per employee on highest shift
Cafe	One space per eating booth and table plus one space per three stools
Cafeteria	One space per eating booth and table plus one space per three stools
Car wash	Four spaces in approach lane to each wash bay

Chiropractor office	Four spaces per professional staff plus one space per subordinate staff
Church	One space per five fixed seats
Clinic	Four spaces per professional staff plus one space per subordinate staff
Club, private	At least 20 client spaces
Dance hall	One space per 200 square feet of floor space
Day care center	One space per employee plus one space per ten children
Dental office	Four spaces per professional staff plus one space per subordinate staff
Drive in food	One space per 100 square feet of floor establishment space but not less than ten spaces
Dry cleaner	One space per employee plus five spaces for client use
Educational institution (private)	Two spaces per three student capacity plus one space per staff member
Employment	One space per employee plus six spaces for client use
Finance office	One space per staff member plus three spaces for client use
Fraternity	Two spaces per four persons whom the building is designed to accommodate
Hospital	One space per two bed capacity
Hotel	One space per two sleeping units
Insurance office	One space per two staff members plus four spaces for client use
Laboratory	One space per employee on highest shift
Laundromat	One space per three coin operated machines
Legal office	One space per professional staff plus four spaces for client use

Library	At least 30 spaces
Lodginghouse	Three spaces per four persons to whom rooms will be rented
Lounge	At least 20 client spaces
Liquor store	At least 20 spaces
Medical office	Four spaces per professional staff plus one space per subordinate staff
Mortuary	At least 30 spaces
Motel	One space per sleeping or living unit
Museum	At least 30 spaces
Night club	At least 20 client spaces
Nursery for children	One space per employee plus four spaces for client use
Nursing home	One space per 2.5 bed capacity
Optometrist office	Four spaces per professional staff plus one space per subordinate staff
Photo studio	At least six spaces
Post office	At least 20 client spaces
Psychiatric office	Four spaces per professional staff plus one space per subordinate staff
Real estate office	One space per two employees plus four spaces for client use
Reception center	At least 30 spaces
Recreation center	One space per 200 square feet of recreation area
Rental establishment	At least four client spaces
Restaurant	One space per eating booth or table

Retail store	One space per 200 square feet of floor space in building
Retail store with drive-in window	One space per 200 square feet of floor space in building plus storage capacity of four cars per window on the property
Sanitarium	One space per two bed capacity
Service repair shop (general)	At least four client spaces
Stadium	One space per five fixed seats
Sorority	Two spaces per four persons whom the building is designed to accommodate
Tavern	At least 15 spaces
Terminal, transportation	At least 30 spaces
Theater	One space per five fixed seats
Travel agency	One space per employee plus four spaces for client use
Upholstery shop	One space per employee plus three spaces for client use
Used car lot	One space per employee plus four spaces for client use
Warehouse	Two spaces per three employees
Wedding chapel	At least 30 spaces
Wholesale Business	Two spaces per three employees plus three spaces for client use
For other uses not listed above	Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses

(Ord. of 1956, § 24-3; Ord. No. 27-80; Ord. No. 2011-3, § 24-3, 2-15-2011)

Sec. 108-8-5. - Adjustments for unusual and unique conditions.

The planning commission may adjust the required number of spaces listed in this chapter if in its determination that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted.

(Ord. of 1956, § 24-4; Ord. No. 27-80; Ord. No. 2011-3, § 24-4, 2-15-2011)

Sec. 108-8-6. - Computation of parking requirements.

When measurements determining number of required parking spaces result in a fractional space, any fraction up to one-half shall be disregarded, and fractions including one-half and over shall require one parking space.

(Ord. of 1956, § 24-5; Ord. No. 27-80; Ord. No. 2011-3, § 24-5, 2-15-2011)

Sec. 108-8-7. - Parking lot design and maintenance.

(a) *Parking space location.* Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom.

(b) *Public parking lot standards.* Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, park and ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the planning commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

(c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.

(d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to the following provisions:

(1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.

(2) Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:

a. Up to and including four dwelling units, 16 feet.

b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way access rights-of-way.

c. A greater size of access right-of-way shall be required as deemed necessary by the planning commission, especially in cases where access right-of-way will create corner lots from otherwise interior lots.

(3) All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five-year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.

(4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.

(5) Parking requirements for dwellings will be located on the same lot with the dwelling.

(6) All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

(Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt. 10(§ 24-6), 12-18-2012)

Sec. 108-8-8. - Off-street truck loading space.

(a) On the same premises with every building or use involved in the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys.

(b) Such space, unless otherwise adequately provided, shall include a ten-foot by 25-foot loading space with 14 feet height clearance, for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building floor area used for purposes in subsection (a) of this section, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land use for purposes in subsection (a) of this section.

(Ord. of 1956, § 24-7; Ord. No. 27-80; Ord. No. 2011-3, § 24-7, 2-15-2011)

Sec. 108-8-9. - Business requiring automobile access.

(a) Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the following requirements:

(1) Access to the station or other structure or parking lot shall be by not more than two roadways for each 100 feet or fraction thereof of frontage on any street;

(2) No two of said roadways shall be not more than 34 feet in width and shall not be closer than 20 feet to the point of intersection of two property lines or at any street corner; and

(3) A curb, hedge or fence of not more than two feet in height shall be provided by the owner to limit access to the permitted roadway.

(b) Exception. Service stations in commercial zones and uses in manufacturing zones may have a maximum roadway width of 50 feet.

(Ord. of 1956, § 24-8; Ord. No. 27-80; Ord. No. 20-8; Ord. No. 14-92; Ord. No. 2011-3, § 24-8, 2-15-2011)

Sec. 108-8-10. - Vehicular traffic to commercial or manufacturing zones.

Privately owned land within an area zoned for residential purposes shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones.

(Ord. of 1956, § 24-9; Ord. No. 27-80; Ord. No. 2011-3, § 24-9, 2-15-2011)

Sec. 108-8-11. - Regulations governing accessory vehicle off-street parking within required side yard areas.

One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed in one required side yard of a dwelling provided that:

(1) The dwelling unit has the minimum number of required off-street parking spaces as stipulated by section 108-8-2

(2) The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling.

(3) The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway.

(4) Any slab constructed must remain open and unobstructed to the sky.

(5) No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete or asphalt.

(6) Any slab constructed for vehicle parking must be screened by a non-see through fence of not less than six feet in height along the length of the slab behind the front yard setback.

(7) All stormwater run off from the hard surface of slab must be directed so as to prevent drainage onto adjacent properties.

(Ord. of 1956, § 24-10; Ord. No. 27-80; Ord. No. 2011-3, § 24-10, 2-15-2011)

Sec. 108-8-12. - Off-site improvements required.

(a) The applicant for a use permit for all residential, commercial or industrial structures, all other business and uses, and public and semi-public buildings shall install high back curb, gutter and sidewalk and entrance ways to county public works standards and location, within public or private streets along the entire property line which abuts the street, except in agricultural, shoreline and forestry zones, and where county regulations exempt such curb, gutter or sidewalk installation.

(b) The planning commission may defer or exempt the installation of high back curb and gutter and/or sidewalk where topographies, timing or other unusual or special conditions exist, provided that the public health, safety and welfare is preserved.

(Ord. of 1956, § 24-11; Ord. No. 27-80; Ord. No. 13-86; Ord. No. 2011-3, § 24-11, 2-15-2011)

Sec. 108-8-12. – Ogden Valley Recreation and Resort Zone.

Within any Ogden Valley Recreation and Resort Zone where a master plan has been approved by the Planning Commission, the Planning Director may modify any provision of this Chapter by approving a Parking Plan created by the Developer (as defined in the applicable Zoning Development Agreement) if the Planning Director determines that the plan is consistent with the approved master plan.

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